

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 3  
**Mtg. Date** April 3, 2018  
**Dept.** Development Services Department

**Item Title:** **Public Appeal to Consider Appeal No. AA1-800-0001 Regarding the Denial of Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone**

**Staff Contact:** David De Vries, Development Services Director

**Recommendation:**

1. Conduct the public hearing; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZCM-170-0002, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone.

**Item Summary:**

On March 8, 2018, the Development Services Director (Director) denied Zoning Clearance Application No. ZCM-170-0002, a request to establish a medical marijuana dispensary (MMD) on a 0.2 acre commercial property located at 3515-3521 Harris Street. The application was denied because the proposed MMD would be at a property located within 1,000 feet of one State-licensed family daycare facility. The City confirmed with staff at the Department of Social Services (DSS) that the family daycare facility was licensed as of February 13, 2018 (**Attachment G**). The appellant, Jillette Yousif of KIM Investments, LLC, subsequently filed an appeal and request for public hearing, stating the licensed daycare home location was not disclosed. The appellant's attorney stated the specific reasons for the appeal will be presented at the City Council public hearing. Staff's discussion regarding the protected use, the appeal and DSS confidentiality requirements related to family daycare homes are provided herein (**Attachment A**).

**Fiscal Impact:**

None.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorically Exempt             | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> None   | <input type="checkbox"/> Newsletter article                                  | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |   |

**Attachments:**

- A. Staff Report
- B. Resolution of Denial
- C. Lemon Grove Municipal Code Chapter 17.32 (Measure V)
- D. Draft City of Lemon Grove Medical Marijuana Zoning Map
- E. ZCM-170-0002 Completed Application Form
- F. Letter from DSS regarding Forfeiture of License for Licensed Daycare
- G. Evidence of Licensed Daycare within 1,000 feet of 3515-21 Harris Street
- H. Staff Denial Letter for ZCM-170-0002
- I. AA1-800-0001 Completed Appeal Form
- J. Map Showing Distance Between Uses
- K. Notice of Appeal Hearing and Protected Use Address for AA1-800-0001
- L. Excerpt from DSS Frequently Asked Questions Publication
- M. Information Request Letter from City to DSS, dated February 9, 2017
- N. Response Letter from DSS to City dated February 21, 2017

## Attachment A

### LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3  
Mtg. Date April 3, 2018

**Item Title:** Public Appeal to Consider Appeal No. AA1-800-0001 Regarding the Denial of Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone

**Staff Contact:** David De Vries, Development Services Director

#### **Background:**

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries (MMDs) and establishing performance standards and a permit process by which MMDs may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (**Attachment C**). The permit process for MMDs requires approval of a conditional use permit (CUP), and the performance standards prohibit MMDs on properties within 1,000 feet of certain protected uses, including licensed daycare facilities (See Lemon Grove Municipal Code (LGMC) Section 17.32.090).

In order to identify and map the location of protected uses, staff relied upon on a variety of resources including, but not limited to, the website for the California Department of Social Services (DSS), which is the licensing agency for daycares throughout the State of California. As part of this research, staff discovered that DSS does not disclose the addresses of licensed family daycare homes to the general public. Such uses are conducted in private residential settings where there is an expectation of privacy and where the dissemination of such information is restricted by law. This policy is explained in the DSS Frequently Asked Questions publication (**Attachment L**). Based on a request from the City, DSS staff supplied a list of family daycare homes and their addresses to the staff at the City of Lemon Grove, provided that City staff would not disclose the list to the general public (**Attachments M and N**). To provide the public with a map identifying potential locations for MMDs, while protecting the locations of family daycare homes, City staff created a draft map with 1,000 foot buffers around the parcels where known protected uses are located. Staff then made those buffers opaque to obscure the underlying parcel geography (**Attachment D**).

On March 7, 2017, staff presented a report to City Council describing the recommended draft review procedures and draft conditions of approval for requests to establish MMDs. Staff also presented the draft Medical Marijuana Zoning Map it had created. The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32 and which include all required application materials will be deemed complete, and the applicants may then submit for CUP application review followed by consideration of approval by the City Council. ZC applications for sites that do not meet the specified separation criteria are denied by staff and those that do not have the required materials are found to be incomplete. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(I).

On March 21, 2017, Zoning Clearance application ZC1-700-0003, a request to apply for a CUP to operate a medical marijuana dispensary (MMD) at 3515-21 Harris Street (Subject Property),

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was denied because the property was located within 1,000 feet of a State-licensed family daycare facility and no appeal was filed.

Subsequently, the State provided evidence to the City that two licensed family daycares within 1,000 feet of the Subject Property had both surrendered their licenses. These were the same and only facilities which previously restricted a MMD at the Subject Property. This new evidence allowed the prospective MMD to reapply for a zoning clearance for a MMD on December 6, 2017 and subsequently the City provided the appellant a Notice of Incomplete on January 4, 2018 because several materials required for a CUP submittal were not submitted. Subsequently, on February 13, 2018, DSS informed the City that a new small family daycare was licensed as of February 12, 2018 at one of the previously licensed daycares that had surrendered their license and was within 1,000 feet of the Subject Property (**Attachment G**). Because the Subject property was now within 1,000 feet of a protected use, a small family daycare, the Development Services Director denied the Zoning Clearance application in process (ZCM-170-0002) on February 15, 2018 (**Attachment H**) determining the Subject Property was ineligible for a dispensary.

On February 20, 2018, the appellant filed AA1-800-0001, an administrative appeal of the Director's decision (**Attachment I**). The appeal states the specific reasons for the appeal are as follows:

"Additional information will be submitted if Mr. DeVries makes the address of the alleged protected use available. As time is of the essence, I am requesting the appeal hearing as soon as practicable."

On March 8, 2018, out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly, staff disclosed the address of the protected use within 1,000 feet of the Subject Property and disclosed it to be a licensed family daycare facility (**Attachment K**). The date of the appeal hearing was also a part of this notice.

On March 8, 2018, staff contacted the family daycare operator via an email and written letter and informed them that their location would be disclosed to the appellant.

As of March 28, 2018, no additional information has been received from the appellant, but a written response from the appellant's attorney is expected prior to the City Council public hearing.

### **Discussion:**

The purpose of this appeal is to determine whether a MMD is allowed to proceed with a conditional use permit application based on a determination that the subject property is within 1,000 feet of a protected use, in this instance a licensed daycare facility. Staff contends that it has discovered appropriate evidence and made appropriate measurements to justify that there is a licensed daycare facility within 1,000 feet of the Subject Property.

As stated above, City staff contacted the State to obtain licensee status about the family daycare home within 1,000 feet of the subject property. Under the Public Records Act ("PRA"), the City is bound to protect information forwarded under these conditions. The relevant PRA section states as follows:

#### **Government Code Section 6254.5. [Excerpts only]**

Notwithstanding any other law, if a state or local agency discloses a public record that is otherwise exempt from this chapter, to a member of the public, this disclosure shall constitute a waiver of the exemptions specified in Section 6254 or 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment. ...

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This section, however, shall not apply to disclosures: ...

(e) Made to a governmental agency that agrees to treat the disclosed material as confidential. **Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.**

Typically, once a confidential record is disclosed, the disclosure constitutes a waiver of the privilege to keep the record confidential. However, there is a specific exemption when confidential records are shared between agencies. The City is bound by the State's confidentiality request. The State of California only agreed to share its list of licensed family daycare homes, on the condition that the City keep the list confidential. The City does not have the right to turn over the licensed daycare list to any person, however, individual daycare operations may be disclosed out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly.

Notwithstanding the confidentiality of the information shared with the City by DSS, applicants may have options in locating family daycare homes including: 1) canvassing their proposed location for other businesses which may prohibit their siting; 2) conducting internet research regarding daycare facilities that advertise on the internet; and 3) phoning DSS regarding daycare facilities in their community.

Regarding natural and constructed barriers, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Staff contends that these constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited and staff further contends that major collector streets like Broadway are accessible to pedestrians and are not constructed barriers and further contends that constructed barriers like fences and unpermitted barbed wire are not constructed barriers in accordance with Measure V. Reference Vehicle Code Section 21954 (Pedestrians Outside Crosswalks) which states "Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard." The Sheriff Division Lieutenant confirms that pedestrians crossings at the intersections of Broadway and either Harris Street and Citrus Street are legal and vehicles must yield to pedestrians at these uncontrolled intersections (unmarked crosswalks and no traffic signals). The Lieutenant also noted that when the unpermitted MMD at 7435-51 Broadway was operating, pedestrians were crossing Broadway (mostly from the Food-4-Less) to get to the dispensaries between New Jersey Avenue and West Street because of limited parking at the unpermitted MMD.

As stated in the Background section of this Report, the appellant was provided the address of the family daycare home within 1,000 feet of the Subject Property along with the date of the appeal hearing (**Attachment K**). The attached exhibit prepared by staff shows that using a straight line

## Attachment A

measurement between the two closest property lines of the Subject Property and of the licensed daycare facility, the licensed daycare facility (protected use) is 649 feet southwest of the Subject Property (**Attachment J**). The measurement was calculated using GIS ESRI software and the exhibit shows a screen shot of the measurement taken.

It's important to note that the geographic differences when using a straight line measurement between the prospective MMD at 6915 North Avenue and protected uses included:

1. The prospective MMD located at 6915 North Avenue is located adjacent to a Freeway On-ramp.
2. The protected uses within 1,000 feet of the prospective MMD located at 6915 North Avenue is separated by a steep slope with an approximate 25-foot elevation change.

The straight line measurement between the Subject Property and the protected use are not separated by a steep slope and there is not a Freeway On-ramp adjacent to either site and the closest freeway on-ramp is greater than 800 feet away from either site.

### Public Information:

The Notice of Public Hearing for this item was published in the March 22, 2018 edition of The East County Californian, and mailed to all property owners within 500 feet of the subject property.

As of March 28, 2018, the City has received no responses to the Notice of Public Hearing. At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after distribution of the staff report.

### Conclusion:

Staff recommends that the City Council conduct a public hearing and adopt a Resolution (**Attachment B**) upholding the Development Services Director determination to deny ZCM-170-0002, and denying a request to apply for a conditional use permit to establish a MMD at 3515-21 Harris Street.



### RESOLUTION NO.

#### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 3515-21 HARRIS STREET (ZCM-170-0002), LEMON GROVE, CALIFORNIA**

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**WHEREAS**, on November 8, 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which medical marijuana dispensaries may be established; and

**WHEREAS**, Measure V includes the adoption of Lemon Grove Municipal Code Chapter 17.32 which prohibits the establishment of medical marijuana dispensaries within 1,000 feet of certain protected uses, including schools and licensed daycare facilities; and

**WHEREAS**, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Examples of constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited; and

**WHEREAS**, City staff requested and obtained a confidential list of licensed family daycare homes from the California Department of Social Services; and

**WHEREAS**, in order to obtain the confidential list of family daycare homes, City of Lemon Grove staff agreed to keep the information confidential; and

**WHEREAS**, Government Code Section 6254.5(e) specifically exempts government agencies from the requirement to disclose confidential information that was shared between agencies under an agreement to maintain the confidentiality of said information; and

**WHEREAS**, on March 13, 2017, the City received a confidential list from the California Department of Social Services noting at least two such facilities are within 1,000 feet of 3515-21 Harris Street (Subject Property); and

**WHEREAS**, on March 21, 2017, Zoning Clearance application ZC1-700-0003, a request to apply for a CUP to operate a medical marijuana dispensary (MMD) at the Subject Property, was denied because the property was located within 1,000 feet of a State-licensed family daycare facility and applicant did not appeal the application; and

**WHEREAS**, the State provided evidence to the City that two licensed family daycares within 1,000 feet of the Subject Property had both surrendered their license. These were the same facilities which previously restricted a MMD at the Subject Property. This new evidence allowed the prospective MMD to reapply for a zoning clearance for a MMD on December 6, 2017 and subsequently the City provided the appellant a Notice of Incomplete on January 4, 2018 because several materials required for a CUP submittal were not submitted; and

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**WHEREAS**, on February 13, 2018, DSS informed the City that a new small family daycare was licensed as of February 12, 2018 at one of the previously licensed daycares that had surrendered their license and was within 1,000 feet of the Subject Property; and

**WHEREAS**, on February 15, 2018, because the Subject Property was now within 1,000 feet of a protected use (a small family daycare), the Development Services Director denied the Zoning Clearance application in process (ZCM-170-0002) determining the Subject Property was ineligible for a MMD; and

**WHEREAS**, on February 20, 2018, the appellant, Jilette Yousif of KIM Investments, LLC, filed AA1-800-0001, an administrative appeal of the Director's decision; and

**WHEREAS**, on March 8, 2018, out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly, staff disclosed the address of the protected use affecting the Subject Property along with the date of the appeal hearing as evidenced by the letter attached to the Agenda Item Summary as Attachment "K". This licensed family daycare facility is located 649 feet southwest of the Subject Property using straight line measurement; and

**WHEREAS**, on March 8, 2018, staff contacted the family daycare operator via an email and written letter and informed them that their location would be disclosed to the appellant; and

**WHEREAS**, the appellant has failed to show that their facility is greater than 1,000 feet from the California-licensed daycare facility; and

**WHEREAS**, Vehicle Code Section 21954 (Pedestrians Outside Crosswalks) includes requirements that "every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard" meaning pedestrians are authorized to cross at Harris Street and Citrus Street and vehicles must yield to pedestrians at these uncontrolled intersections (unmarked crosswalks and no traffic signals); and

**WHEREAS**, on April 3, 2018, the City Council held a duly noticed public hearing to consider Administrative Appeal AA1-800-0001, an appeal of the Development Services Director's determination to deny ZCM-170-0002; and

**WHEREAS**, the appeal of this determination is not a project and is not subject to the environmental review requirements of the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN, BE IT RESOLVED** that the City Council of the City of Lemon Grove hereby:

1. Denies Jilette Yousif of KIM Investments, LLC Administrative Appeal No. AA1-800-0001 based on the above-findings; and
2. Upholds the Development Services Director's February 15, 2018 determination to deny Zoning Clearance No. ZCM-170-0002, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 3515-21 Harris Street, Lemon Grove, CA.



### 17.32.090 Medical marijuana dispensary regulations.

A. Zones. *Dispensaries* may be established by conditional use permit in the heavy commercial (HC), limited commercial (LC), general commercial (GC) and light industrial (LI) zones and subject to the distance requirements. *Dispensaries* are prohibited in mixed-use zones (Downtown Village Specific Plan and Central Commercial) and all residential zones (RLM, RL, RM, RMH).

B. Distance Requirements. An application may be submitted provided the proposed facility meets the required distance measurements. For purposes of measurements, all *dispensaries* are considered *regulated uses* and public parks as defined at Section 12.20.030 of Lemon Grove Municipal Code, playgrounds as defined at Section 18.28.020, subdivision (v), of the Lemon Grove Municipal Code, licensed day care facilities as defined at Section 17.08.030 of Lemon Grove Municipal Code, schools as defined at California Health and Safety Code Section 11362.768, subdivision (h), and alcohol and substance abuse treatment centers are considered *protected uses*. Measurement is made between the closest property lines of the *premises* in which the *regulated uses* and *protected uses* are located. A regulated use must not be:

1. Within one thousand feet of any other regulated use which is located either inside or outside the jurisdiction of the city,
2. Within one thousand feet from any protected use which is located either inside or outside the jurisdiction of the city.

The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

C. Standards.

1. Background Check Required for *Directors* and Employees. The *director* and employees of a *dispensary* must obtain a LiveScan background check through the California Department of Justice or the San Diego County sheriff's department prior to employment. *Directors* convicted of a serious felony, as defined in California Penal Code Section 1192.7, subdivision (c), and Health and Safety Code Section 11359 (Possession for sale) within the previous ten years shall not be eligible for a license. Other potential collective employees and volunteers convicted of the crimes identified in this section in the previous five years are ineligible for employment or participation. If during employment with the *dispensary*, a *director* or employee is convicted of a crime identified in this section shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the *dispensary*.

2. Security Personnel Required. *Dispensaries* shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs "Security Guard Card."

3. Community Relations Liaison Required. *Dispensaries* shall designate a community relations liaison (liaison) who shall be at least eighteen years of age. The liaison may also be the *director* of the *dispensary*. To address community complaints or operational problems with the *dispensaries*, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:

- a. Lemon Grove city manager;

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b. San Diego County sheriff's department personnel supervising law enforcement activity in Lemon Grove;

c. All neighbors within one hundred feet of the *dispensary*.

4. Inspection of *Premises*. City code enforcement officers, San Diego sheriff's department staff, and any other employee of the city requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the *premises*. City and sheriff staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a *dispensary* may occur if city or sheriff's department staff have probable cause that the collective is violating the law.

5. Inspection Requirements. In order to facilitate verification that a *dispensary* operates pursuant to state and local laws, the following records must be maintained at the *premises* at all times and available for inspection by city code enforcement officers, San Diego sheriff's department staff, and any other employee of the city:

a. Client Records. The *dispensary* shall keep a record of its clients. The record shall include the following and shall be maintained for a two-year period:

i. *Qualified patient* member's name, name of *primary caregiver* when appropriate, and name of *licensed physician* recommending use of *medical marijuana* for the member.

b. *Medical marijuana* Records. *Dispensary* shall keep a record of its *medical marijuana* transactions. The following records shall be maintained for a two-year period and labeling shall occur as specified:

i. A record identifying the source or sources of all *medical marijuana* currently on the *premises* or that has been on the *premises* during the two-year period preceding the current date. The record shall include the name of the cultivator or manufacturer and the address of the cultivation or manufacturing location.

ii. All *medical marijuana* at the *premises* must at all times be physically labeled with information that will allow for identification of the source of the *medical marijuana*.

iii. All *medical marijuana* at the *premises* shall be physically labeled with the monetary amount to be charged.

c. Financial Records. *Dispensary* shall maintain records of all transactions involving money and/or *medical marijuana* occurring at the *premises*. Records shall be maintained for a two-year period preceding the current date.

d. Employee Records. *Dispensary* shall maintain a record of each employee/volunteer and *director*. The record shall include name and background check verification. Records shall be maintained for a two-year period following the end of an employee's employment or *director's* relationship with the *dispensary*.

6. *Operations manual*. The application for a conditional use permit shall include a detailed *operations manual* including, but not necessarily limited to, the following information:

a. Authorization for the city, its agents and employees, to seek verification of the information contained within the application;

b. A description of the staff screening process including appropriate background checks;

c. The hours and days of the week the *dispensary* will be open;

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- d. Text and graphic materials showing the site, floor plan and facilities of the *dispensary*. The material shall also show adjacent structures and land use;
  - e. A description of the security measures located on the *premises*, including, but not limited to, lighting, alarms, and automatic law enforcement notification;
  - f. A description of the screening, registration and validation process for *qualified patients*;
  - g. A description of *qualified patient* records acquisition and retention procedures;
  - h. The process for tracking *medical marijuana* quantities and inventory controls employed, including the source of *medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
  - i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
  - j. Other information required by the development services director.
7. Operating Standards. *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *dispensaries* shall comply at all times with conditions outlined in the approved conditional use permit and the operational manual.
- a. Dispensing *medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
  - b. *Dispensaries* shall only dispense *medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *licensed physician's* recommendation, and if appropriate, a valid *primary caregiver* designation. The *dispensary* shall verify that the *licensed physician's* recommendation is current and valid;
  - c. On-site evaluation by a *licensed physician* for the purposes of obtaining a qualified status is prohibited;
  - d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *dispensary*. The client rules and/or regulations shall include, but are not limited to:
    - i. Each building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *medical marijuana* on the *premises* or in the vicinity of the *dispensary* is prohibited unless specifically authorized within the governing conditional use permit.
    - ii. The building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen are precluded from entering the *premises*.
    - iii. The hours of operation for an authorized *dispensary* shall be limited to between eight a.m. to eight p.m. or as specified within the conditional use permit.
    - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the conditional use permit.
    - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public;
    - vi. All signage for *dispensaries* shall require a sign permit from the city prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana.

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vii. *Dispensaries* shall only permit the distribution of *medical marijuana* plant material and *medical marijuana* manufactured products from licensed sources as allowed by the approved conditional use permit. Such distribution shall be limited to *qualified patients* or *primary caregiver*;

e. *Dispensaries* shall maintain on the *premises* an on-site training curriculum capable of meeting employee, agents and volunteer training needs. The minimum training curriculum shall include professional conduct, ethics, and state and federal laws regarding patient confidentiality; specific procedural instructions for responding to an emergency, including robbery or violent incident.

f. *Dispensaries* shall maintain all necessary permits, and pay all appropriate taxes. *Dispensaries* shall also provide invoices to cultivators and manufacturers to ensure tax liability responsibility;

g. *Dispensaries* shall implement procedures as outlined in their approved *operations manual*;

h. *Dispensaries* shall submit an “annual performance review report” for review and approval by the development services director. The “annual performance review report” is intended to identify effectiveness of the approved conditional use permit, *operations manual*, and conditions of approval, as well as any proposed modification to procedures as deemed necessary. The development services director may review and approve amendments to the approved “*operations manual*”; and the frequency of the “annual performance review report.” *Medical marijuana* cultivation and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the “annual performance review report” for costs associated with the review and approval of the report.

i. *Dispensaries* shall maintain twenty-four-hour recorded video surveillance of the *premises*. Recordings shall be retained for thirty days for inspection by city staff. City staff must provide valid cause for viewing video surveillance. City staff must ensure that patient privacy is safeguarded. Video surveillance will not be shared with law enforcement except when formally requested as part of a law enforcement investigation directly involving the *dispensary*.

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

m. The location of the *dispensary* shall include the installation of a centrally monitored alarm system

n. Lighting shall be installed to adequately light the exterior and interior of the *dispensary premises* while in conformance with Section 17.28.080.

8. Source of *Medical marijuana*. A *dispensary* shall only dispense *marijuana* from the following sources and this information shall be included in the *operations manual*:

a. On-Site Cultivation for Authorized *Dispensary*. If the conditional use permit authorizes limited, on-site *medical marijuana* cultivation at the *dispensary*, on-site cultivation shall be considered an accessory use and shall not exceed twenty-five percent of the *dispensaries*’ total floor area and in no case exceed one thousand five hundred square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section 17.24.060 Accessory Buildings and Uses, Section 17.32.100 of this title, and applicable Building and Fire Codes. The *operations manual* shall include information regarding the on-site cultivation including, but not limited to:

i. Description of measures taken to minimize or offset energy use from the cultivation or processing of *medical marijuana* on-site; and

ii. Description of chemicals stored or used; and

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iii. Description of any effluent discharged into the city's wastewater and/or stormwater system;

b. Licensed External Source. Until one year following the date when the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, *dispensaries* shall source their *medical marijuana* from cultivators and manufacturers that have obtained a local business license or equivalent document showing that the organization is operating in zoning and regulatory compliance from another jurisdiction for the *medical marijuana* cultivation or manufacturing. One year from the date that the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, all sources of *medical marijuana* or *medical marijuana* products sold in a *dispensary* must also have a state license for their *medical marijuana* activities. (Ord. 443 § 1, 2016)






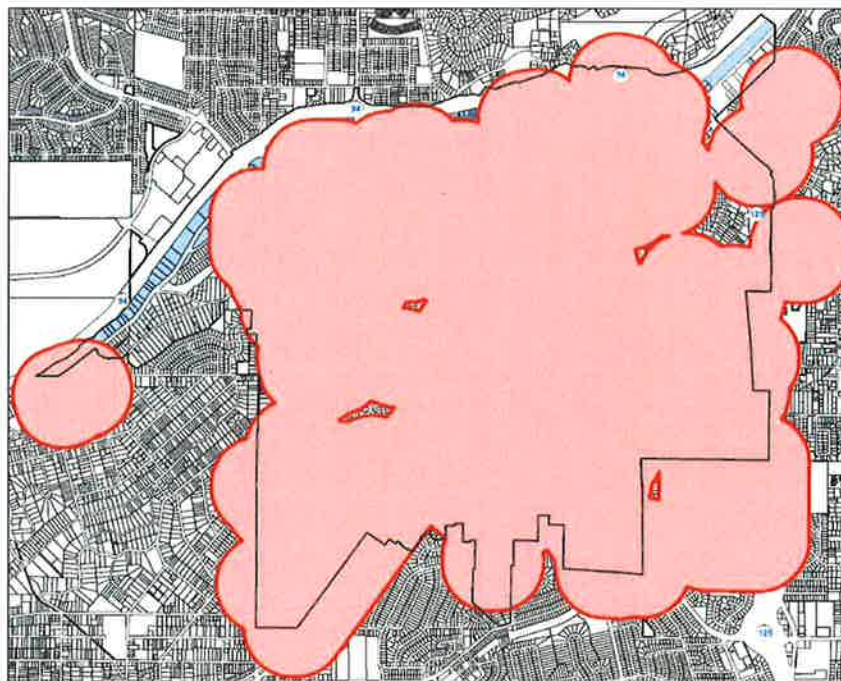


## Attachment D

### Draft Lemon Grove Medical Marijuana Dispensary Zoning

#### Legend

-  Lemon Grove Boundary
-  Zones Permitting Dispensaries (With Approved CUP)
-  1,000 Foot Buffer Around Protected/Regulated Uses (Dispensaries Prohibited Inside the Buffers)



#### NOTES:

- 1) This map may not include all protected uses, specifically those in surrounding jurisdictions
- 2) To ensure privacy for family daycare homes, this map intentionally obscures the exact locations of protected uses
- 3) Map last updated on July 5, 2017

0 1,000 2,000 Feet





## PLANNING PERMIT APPLICATION

Development Services Department / Planning Division  
 3232 Main Street, Lemon Grove, CA 91945  
 Phone: 619-825-3805 Fax: 619-825-3818  
 www.lmongrove.ca.gov

### APPLICATION REQUEST- SELECT ALL THAT APPLY - (SUBJECT TO OTHER PERMIT REQUIREMENTS)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Zoning Clearance (ZC)        | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA)                    | <input type="checkbox"/> Certificate of Compliance (CC)               |
| <input type="checkbox"/> Minor Use Permit (MUP)                  | <input type="checkbox"/> Zoning Amendment (ZA)                        |
| <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Specific Plan Amendment (SPA)                |
| <input type="checkbox"/> Planned Development Permit (PDP)        | <input type="checkbox"/> General Plan Amendment (GPA)                 |
| <input type="checkbox"/> Minor Modification (MM)                 | <input type="checkbox"/> Modification of _____                        |
| <input type="checkbox"/> Variance (VA)                           | <input type="checkbox"/> Time Extension for _____                     |
| <input type="checkbox"/> Boundary Adjustment/Lot Merger (BA)     | <input type="checkbox"/> Appeal of _____                              |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots     | <input type="checkbox"/> Substantial Conformance Review of _____      |
| <input type="checkbox"/> Other _____                             |   |

**APPLICANT:** KIM Investments, LLC/ Joe Youaif (Jillette) **PHONE:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_ **FAX:** \_\_\_\_\_  
 \_\_\_\_\_ **EMAIL:** \_\_\_\_\_  
 \_\_\_\_\_

**PROPERTY OWNER:** RRJJ, LLC / Jillette Youaif **PHONE:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_ **FAX:** \_\_\_\_\_  
 \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_ **FAX:** \_\_\_\_\_  
 \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

\*If applicant or property owner is a trust, partnership, or corporation, please attach record(s) of ownership listing all trustees, partners, or officers, as applicable.

**PROJECT NAME:** 3521 Harris MMD  
**PROJECT ADDRESS:** 3521 Harris Street, Lemon Grove, CA 91945  
**ASSESSOR PARCEL #:** 479-052-07-00 **SITE ACREAGE:** 10,241 sf

### DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:

The proposed project consists of converting an commercial building into a Medical

Marijuana Dispensary. The Scope of the project is to include the following:

1. Interior remodel of existing structure with non-structural and non-loadbearing walls,
2. Parking lot re-stripping,
3. Pedestrian access from the parking.
4. Misc. Site Improvements such as lighting, fencing and Security cameras.

[illegible]



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
**COMMUNITY CARE LICENSING DIVISION**  
CCLD Regional Office  
7575 METROPOLITAN DR., STE 110  
SAN DIEGO, CA 92108



EDMUND G. BROWN JR.  
GOVERNOR

October 11, 2017

PINTOR, KRISTINA & NEVAREZ, ESTHER  
PINTOR, KRISTINA & NEVAREZ, ESTHER FCCH – 376618658  
3335 CITRUS ST  
LEMON GROVE, CA 91945

Dear Ms. Kristina Pintor & Ms. Esther Nevarez:

**SUBJECT: FORFEITURE OF LICENSE**

The license issued to you at the above facility address is forfeited pursuant to Health and Safety Code Sections 1524, 1568.061, 1569.19, or 1596.858. Your license is no longer valid and all provision of care and supervision must cease at this location. The reason for the forfeiture is:

- ☐ Licensee has sold or transferred the facility or property
- ☒ Licensees have surrendered the license to the Department. We acknowledge receipt of your license and/or your statement that you are surrendering your license. Effective today (10/11/2017), your Family Child Care Home is closed.
- ☐ Licensee has moved from one location to another.
- ☐ Licensee has been convicted of an offense specified in Section 220, 234.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 268, or 269 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- ☐ Licensee has abandoned the facility by informing Community Care Licensing that he/she no longer accepts responsibility for the facility.
- ☐ Licensee has abandoned the facility due to the following:
  - 1. Community Care Licensing has been unable to determine the licensee's whereabouts and information of the licensee's whereabouts cannot be obtained from the facility's staff, if any staff can be contacted; and
  - 2. Licensee has failed to respond to daily phone inquiries made for five consecutive days from \_\_\_/\_\_\_/\_\_\_ through \_\_\_/\_\_\_/\_\_\_; and
  - 3. Licensee failed to respond to letter dated \_\_\_/\_\_\_/\_\_\_.
- ☐ Licensee has failed to pay the annual fee pursuant to Health and Safety Code Sections 1523.1 (Community Care Facilities), 1568.05 (Residential Care Facilities for the Chronically Ill), 1569.185 (Residential Care Facilities for the Elderly), or 1596.803 (Child Care Facilities). The forfeiture of your license does not deprive the Department of its authority to institute or continue an administrative action against your license. If administrative action results in the revocation of your license, your application for a new license will not be processed until two years have elapsed from the date of the revocation pursuant to Health and Safety Code Sections 1520.3, 1568.065, 1569.18, and 1596.851.

If you continue to operate a facility without a license you are in violation of the Health and Safety Code and may be subject to civil penalties. If you wish to operate a facility again, you must reapply and be approved for a new license.

If you have any questions about this action, please call me at (619) 767-2224 or write to Community Care Licensing at 7575 Metropolitan Drive, Suite 110, San Diego Ca 92108.

Sincerely,

MARIE HERNANDEZ  
Licensing Program Analyst







## Attachment G

**David DeVries**

---

**From:** Hood, Michelle@DSS  
**Sent:** Tuesday, February 13, 2018 11:37 AM  
**To:** David DeVries  
**Subject:** RE: Family Daycare 3335 Citrus St., Lemon Grove, CA  
**Categories:** Projects

Hi David,  
Yes, there is a licensed facility at the address.

Michelle Hood  
Licensing Program Analyst  
Community Care Licensing Program  
San Diego Child Care Regional Office  
7575 Metropolitan Drive #110

r

**From:** David DeVries [mailto:  
**Sent:** Tuesday, February 13, 2018 11:21 AM  
**To:** Hood, Michelle@DSS  
**Subject:** Family Daycare 3335 Citrus St., Lemon Grove, CA

Hi Michelle, can you confirm that the family daycare at 3335 Citrus Street is now a licensed daycare facility? See attached. Hope all is well.

Thanks,

David B. De Vries, AICP  
Development Services Director  
City of Lemon Grove  
Development Services Department  
3232 Main St.  
Lemon Grove, CA 91945  
760.938.3333 x3000

w

## Attachment G

LIS055M LICENSING INFORMATION SYSTEM - FACILITY PROFILE    DATE: 02/13/18

EVALUATOR: Q405    DO: 20    FAC NBR: 37    6627345    STATUS: PROVISIONAL LICENSE  
FAC NAME:                      FAMILY CHILD CARE                      CAPACITY: 0008  
FAC ADDR: 3335 CITRUS STREET, LEMON GROVE, CA 91945  
FAC MAIL: 3335 CITRUS STREET, LEMON GROVE, CA 91945  
FAC TYPE: FAMILY DAY CARE                      CLIENT SERVED: CHILDREN/INFANT  
FAC FIRST LICENSED: 02/12/18    APP REC'D: 01/09/18  
COUNTY: SAN DIEGO                      DIRECTOR:                      PHONE:  
DATE CAP CHG:                      DATE CAP APPR:                      ANNUAL FEES CURRENT: YES  
LICENSEE NAME: .  
LIC MAIL: 3335 CITRUS STREET, LEMON GROVE, CA 91945  
LIC EFF DATE: 02/12/18    EXP DATE: 02/28/18    TYPE: INDIVIDUAL  
FAC DUAL IDENTIFIER: N    DUAL LICENSE NBR:                      FCRB: .  
COMMENTS MAX. CAP(WHEN THERE IS AN ASSISTANT PRESENT): 12 - NO MORE THAN  
4 INFANTS. CAP 14 - NO MORE THAN 3 INFANTS. 1 CHILD IN  
KINDERGARTEN OR ELEMENTARY SCHOOL AND 1 CHILD AT LEAST AGE 6.

FAC CLOSED DATE:                      E-MAIL:  
LAST VISIT DATE:                      TYPE:  
LAST DEFERRED VISIT DATE:                      TYPE:  
SPH: 000 REQ VISIT: N  
R = MENU, Y = DATES, F = SUMMARY, H = PAYMENT HISTORY, E= EMERGENCY    Enter>

**Personal Information Redacted**

# Attachment G

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
COMMUNITY CARE LICENSING DIVISION

CCLD Regional Office, 7575 METROPOLITAN DR., STE 110  
SAN DIEGO, CA 92108

## FACILITY EVALUATION REPORT

<b>FACILITY NAME:</b>	FAMILY CHILD CARE		<b>FACILITY NUMBER:</b>	376627345
<b>ADMINISTRATOR:</b>			<b>FACILITY TYPE:</b>	810
<b>ADDRESS:</b>	3335 CITRUS STREET		<b>TELEPHONE:</b>	
<b>CITY:</b>	LEMON GROVE	<b>STATE:</b> CA	<b>ZIP CODE:</b>	91945
<b>CAPACITY:</b>	8	<b>CENSUS:</b> 0	<b>DATE:</b>	02/12/2018
<b>TYPE OF VISIT:</b>	Prelicensing	<b>ANNOUNCED</b>	<b>TIME BEGAN:</b>	02:30 PM
<b>MET WITH:</b>			<b>TIME COMPLETED:</b>	04:00 PM

### NARRATIVE

1 Licensing Program Analyst (LPA) Michelle Hood and Joelle Redding conducted an announced pre-licensing  
2 site inspection with Applicant. This 1 story 2 bedroom, 1 bath home was toured and inspected to ensure  
3 environment is safe for the care and supervision of children.  
4  
5 Applicant owns the facility and has provided proof by mortgage statement. Applicant will use the following  
6 areas for child care: living room, bedroom 1, bathroom, side backyard play area. Off limits areas include: front  
7 yard, bedroom 2, kitchen (gated), and rear backyard. They are made inaccessible through the use of  
8 doorknob covers and safety gates. Applicant will utilize side backyard outdoor play area for outdoor activities,  
9 it is properly fenced. There are no bodies of water observed during time of visit. The fire extinguisher is rated  
10 2A 10B:C and is located in the kitchen, smoke and carbon monoxide detector is located in the living room  
11 and meet requirements and are operational. All poisons, cleaners and hazardous items in the home are  
12 inaccessible to children due to being placed in off limits areas (kitchen). Applicant will not be using the wall  
13 heater in the living room or hallway while children are present.  
14  
15 Children's toys and play equipment are available. Applicant states there are NO firearms or other weapons in  
16 the home. Applicant is enrolled in the 8 hours of preventative health training. Applicant will submit a copy of  
17 her certificate once completed. Pediatric CPR and First Aid certifications expire on 07/2018. Required  
18 documents will be posted. Applicant and all adults residing in the home have been cleared for criminal record  
19 and child abuse Index clearances. Applicant was advised that any new/additional adults must be cleared prior  
20 to working or residing in home. Any minor upon his/her 18<sup>th</sup> birthday must be fingerprinted within 30 days.  
21 Immunization records per SB792 were reviewed and are in compliance for applicant.  
22  
23 Advised applicant no changes should be made to the home without prior notice and/or approval from  
24 Licensing.  
25

**SUPERVISOR'S NAME:** Carl Shelton

**TELEPHONE:** (619) 767-2205

**LICENSING EVALUATOR NAME:** Michelle Hood

**TELEPHONE:** (691) 767-2241

**LICENSING EVALUATOR SIGNATURE:**



**DATE:** 02/12/2018

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.

**FACILITY REPRESENTATIVE SIGNATURE:**



**DATE:** 02/12/2018

This report must be available at Child Care and Group Home facilities for public review for 3 years.

LIC809 (FAS) - (06/04)

Page: 1 of 1

Personal Information Redacted

# Attachment G

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

## FACILITY EVALUATION REPORT (Cont)

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
COMMUNITY CARE LICENSING DIVISION

CCLD Regional Office, 7575 METROPOLITAN DR., STE 110  
SAN DIEGO, CA 92108

FACILITY NAME:

FAMILY CHILD CARE

FACILITY NUMBER: 376627345

VISIT DATE: 02/12/2018

### NARRATIVE

1 Incidental Medical Services (IMS) policy was discussed. For IMS information see Evaluator Manual -  
2 Regulation Interpretations and Procedures for Family Child Care Homes Section 102417. When any IMS is  
3 provided, a Plan for Providing IMS must be submitted to the Department. The following information regarding  
4 ADA was provided: US Department of Justice (USDOJ) toll-free ADA Information Line at (800) 514-0301  
5 (voice)/ (800) 514-0393 (TTY) and link to publication: Commonly Asked Questions about Child Care Centers  
6 and the ADA, available at: [http://www.ada.gov/child\\_care.htm](http://www.ada.gov/child_care.htm)  
7  
8 The New Provider Resource Packet was reviewed with the applicant including information on the following:  
9 SIDS, shaken baby, insurance, child abuse reporting, community resources, children's records, facility  
10 records, required postings, immunization's, unusual incident report, roster, car seat law, visual for  
11 ratio/capacity, fire/disaster drill log. Applicant was also informed the following items are prohibited during day  
12 care operating hours (walkers, exersaucers, jumpers and bouncy seats). Corporal punishment and smoking  
13 are prohibited in the day care.  
14  
15 The maximum capacity for a small family child care home was explained and handout give to Applicant.  
16  
17 Per new Senate Bill 792 pertaining to Immunization's, which requires all adults in daycare operation to have  
18 proof of immunization or exemption for; Measles, Pertussis( Whooping Cough) and Influenza(Flu). Licensee  
19 has current verification of required immunization's for herself and helpers and is in full compliance.  
20  
21 Applicant shall comply with all regulations and laws governing family child care homes and be financially  
22 secure to operate a family child care home for children. Applicant shall email  
23 [childcareadvocates@ram.dss.ca.gov](mailto:childcareadvocates@ram.dss.ca.gov) to request to be on the distribution list for child care updates.  
24  
25 A Provisional small license for a maximum capacity of 8 children will be granted effective today  
26 02/12/2018 .  
27  
28 Community Care Licensing WEB SITE: <http://www.cclcd.ca.gov>  
29  
30  
31  
32

SUPERVISOR'S NAME: Carl Shelton

TELEPHONE: (619) 767-2205

LICENSING EVALUATOR NAME: Michelle Hood

TELEPHONE: (691) 767-2241

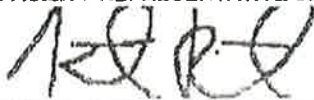
LICENSING EVALUATOR SIGNATURE:



DATE: 02/12/2018

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE:



DATE: 02/12/2018

Personal Information Redacted



## CITY OF LEMON GROVE Development Services Department

"Best Climate On Earth"

Date: February 15, 2018

KIM Investments, LLC  
RRJJ, LLC  
Attn: Jilette Yousif  
2221 Camino Del Rio South # 207  
San Diego CA 92108

Gina Austin  
3990 Old Town Ave., Ste. A112  
San Diego, CA 92110

SUBJECT: Notice of Denial for Zoning Clearance Application ZCM-170-0002 for property located at 3515 Harris Street, in the City of Lemon Grove (APN:479-052-07-00).

Mr. Yousif and Ms. Austin,

On February 7, 2018, staff received a resubmittal package for subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. Thereafter, we received evidence that there is a new State-licensed family daycare home within 1,000 feet of the subject property which disqualifies the subject property from eligibility for a conditional use permit and the application is therefore denied. The application package resubmittal will not be reviewed since the application is denied.

As reflected in Bulletin 23, the zoning clearance process for a marijuana dispensary is twofold: 1) Does the application meet separation requirements from permitted marijuana dispensaries and protected uses; and 2) Is the application provided complete. Once these two reviews are satisfied, the applicant is eligible to submit a conditional use permit. Staff recommended this process to City Council at the March 7, 2017 City Council meeting. The process is such, so that when a conditional use permit is applied for after zoning clearance approval notice of complete, staff can then take in the \$1,500 deposit and updated application form and route the application, plans and materials to the various reviewing departments for corrections and/or conditions if any.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(I). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

## Attachment H

Please feel free to call me during counter hours (8am-10am and 3pm-5:30pm) at (619) 825-3812 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David De Vries', with a horizontal line extending to the right.

David De Vries  
Development Services Director

CC: ZCM-170-0002 File





## APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

Community Development Department / Planning Division  
3232 Main Street, Lemon Grove, CA 91945  
Phone: 619-825-3805 Fax: 619-825-3818  
www.ci.lemon-grove.ca.us

APPLICANT: KIM Investments, LLC/Joe Yousif

PHONE:

ADDRESS:

FAX:

EMAIL:

3521 Harris Street, Lemon Grove, CA 91945 (subject property)

CASE/PROJECT NUMBER: ZCM-170-0002

**DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS):**

The development services director denied the Zoning Clearance Application because a "new State-licensed family daycare home within 1,000 feet of the subject property disqualifies the subject property." Mr. DeVries refused to provide the address of the family daycare as of the date of this appeal.

**SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:**

Additional information will be submitted if Mr. DeVries makes the address of the alleged protected use available. As time is of the essence, I am requesting the appeal hearing as soon as practicable.

Attach additional sheets if necessary.

Applicants Signature

Feb 20, 2016  
Date

**TO BE COMPLETED BY PLANNING STAFF**

FILE #(s): AA 1-800-6001

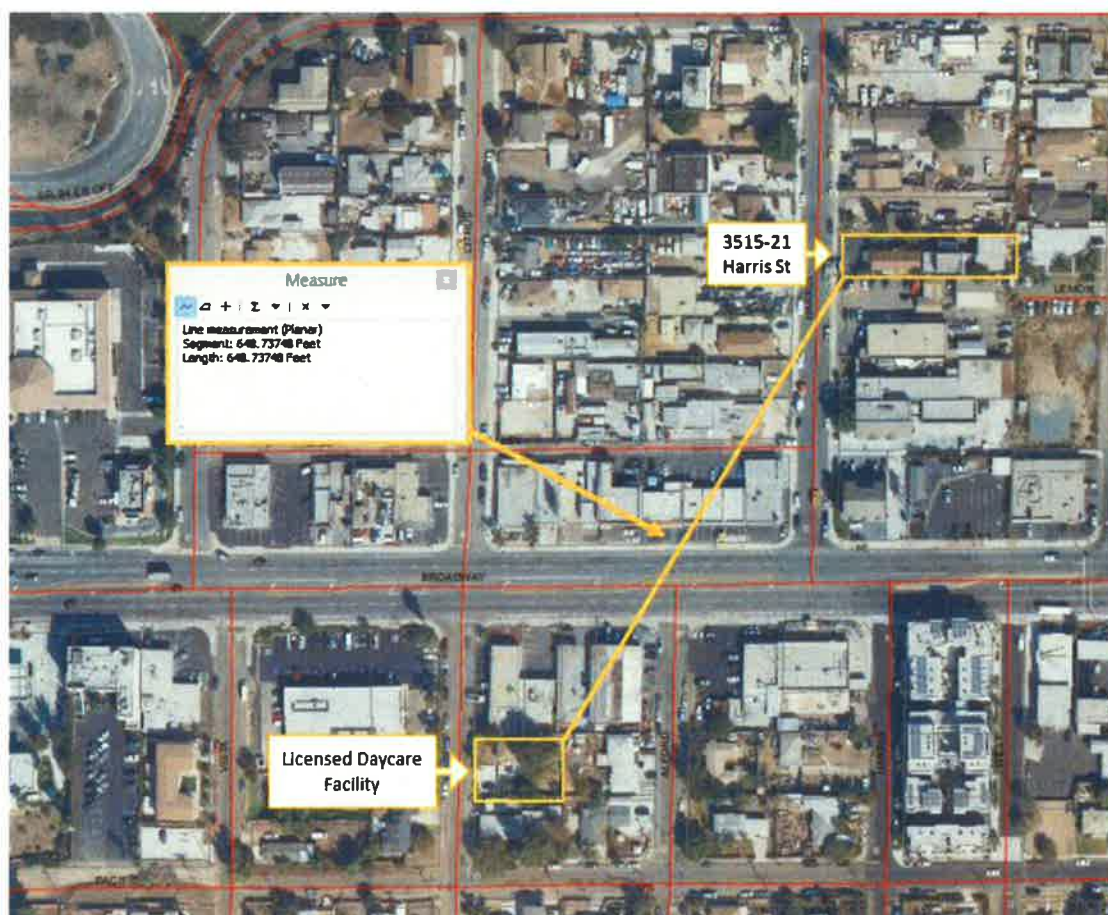
DATE: 2-20-15

FEES: \$1,000.00 RECEIPT #:

**COMMENTS and/or CONDITIONS:**



## Attachment J



Source: City of Lemon Grove GIS database 2018





**CITY OF LEMON GROVE**  
Development Services Department

"Best Climate On Earth"

Date: March 8, 2018

KIM Investments, LLC  
RRJJ, LLC  
Attn: Jilette Yousif  
2221 Camino Del Rio South # 207  
San Diego CA 92108

Gina Austin  
3990 Old Town Ave., Ste. A112  
San Diego, CA 92110

SUBJECT: Disclosure of protected uses within 1,000 feet of 3515 Harris Street (APN: 479-052-07-00);  
Zoning Clearance Application ZCM-170-0002, and Administrative Appeal AA1-800-0001.

Mr. Yousif and Ms. Austin,

This letter is in response to the administrative appeal received by the City for the denial of your zoning clearance application for a medical marijuana dispensary at the subject property. As described in the denial letter dated February 15, 2018, the application was denied because the subject property is within 1,000 feet of licensed daycare facilities.

In order to provide a full and open opportunity for you to understand the reason staff denied the permit, and to allow you to respond accordingly, we will disclose the physical street addresses of the licensed family daycare homes located within 1,000 feet of your proposed dispensary at 3515 Harris Street. Those addresses are:

- 3335 Citrus Street

The City Council hearing for your appeal has been advertised and scheduled for Tuesday, April 3, 2018. A copy of this letter will be attached to the City Council staff report. At the hearing, you may wish to request additional time to consider this new information, or you may wish to withdraw the appeal. If you decide you want to ask the City Council for more time, please contact me as soon as possible. You can reach me at (619) 825-3812, or by email at [ddevries@lemongrove.ca.gov](mailto:ddevries@lemongrove.ca.gov).

Please feel free to call me during counter hours (8am-10am and 3pm-5:30pm) at if you have any questions.

Sincerely,

David De Vries  
Development Services Director

CC: AA1-800-0001 File







(<http://www.cdss.ca.gov/>)

## **Frequently Asked Questions**

### **Where can I find the facility definitions?**

See the Glossary link at the top.

### **Where can I find out more about how facilities are regulated in California?**

Please visit the Community Care Licensing (<http://www.cclid.ca.gov/>) website.

### **What is the best way to search?**

Select just one or a few of the available search terms. You will be able to filter your search on the Results screen.

### **Where can I find the definitions of the facility types?**

The definitions for the facility types can be found on the Glossary (<http://www.cclid.ca.gov/res/html/glossary.htm>) page.

### **I am looking for Foster Family Homes. Why can't I find them.**

The publication of names and addresses of Foster Family Homes is restricted by law and considered confidential.

### **Why can't I find the addresses for Small Family Child Care homes (less than 8 children)?**

Because these are Child Care providers' homes, the publication of addresses is restricted. To find Small Family Child Care home providers in your area, contact the Resource and Referral Network ([http://www.rrnetwork.org/find\\_child\\_care](http://www.rrnetwork.org/find_child_care)) or call 1-800-KIDS-793. The Network can also assist you in searching for the right child care for your child and can provide you with addresses of facilities in your area.

### **Why can't I see or search on street addresses for Large Family Child Care Homes?**

For Large Family Child Care Homes, you can still search using the City, Zip and County options. To obtain the address of a Large Family Child Care Home, please contact either the State Licensing Office, the Resource and Referral Network ([http://www.rrnetwork.org/find\\_child\\_care](http://www.rrnetwork.org/find_child_care)) or call 1-800-KIDS-793.

### **Why can't I get a list of Small Family Child Care homes?**

Information related to Small Family Child Care homes is restricted by law. Small Family Child Care home information is available to provide consumer information to parents with children in care and to parents seeking child care from a local child care home.





**CITY OF LEMON GROVE**  
Development Services Department

*"Best Climate On Earth"*

February 9, 2017

Michelle Hood, Office Services Supervisor I  
Community Care Licensing  
San Diego Child Care Regional Office  
7575 Metropolitan Drive #110  
San Diego, CA 92108

RE: Request for List of Small Family Daycare Homes with Addresses

Michelle

On November 8, 2016, voters in Lemon Grove passed Measure V, which removed the City's prohibition of medical marijuana dispensaries (dispensaries). Measure V (copy attached) allows dispensaries to be established by conditional use permit (CUP) subject to certain distance restrictions. One such distance restriction states that no dispensary shall be permitted within 1,000 feet of licensed daycare facilities. Therefore, City staff needs to identify the location of family daycare homes both inside the City boundaries and outside the City boundaries within 1,000 feet. The applicable postal codes we need information for are 91945, 91977, 91941, and 92114.

Our staff is sensitive to the need for privacy at family daycare homes. Therefore, if provided we do not intend to share this information with the general public. Our goal is to use the information to prepare a map for staff use only.

Sincerely,

David DeVries, AICP  
Director of Community Development  
City of Lemon Grove

Attachments

- 1 Measure V



## Attachment N



WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**



EDMUND G. BROWN, JR.  
GOVERNOR

February 21, 2017

Mr. David DeVries  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

RE: Request for Confidential Child Care Facilities Data

This letter is in response to your letter request to obtain a copy of the confidential Small Family Child Care Home list, which are in-home child care facilities with 8 or fewer children enrolled, as well as the Large Family Child Care Home list, which are in-home child care facilities with 9-14 children enrolled.

In your letter, you expressed that the need for this list is to ensure that those applying for medical marijuana dispensaries are not located within 1,000 feet of a licensed daycare facility.

For your information, Health and Safety Code Section 1596.86(b) requires the Department of Social Services (DSS) to maintain the personal privacy of small family child care homes and prevent the use of lists containing their names, addresses, and other identifying information, except for administering the licensing program, facilitating the placement of children, and providing the names and addresses to resource and referral agencies funded by the Department of Education, and food and nutrition programs also funded by the Department of Education.

In consideration of your reasoning for requesting the Small Family Child Care Home list, and Child Care Licensing's administrative responsibility to protect the health and safety of its clients in care, it appears your request is in line with the mandate of the above statute.

I am including as an attachment to this letter, a copy of the fee schedule that contains the fee amount for the Small Family Child Care Home list. It also contains instructions for where to send your check.

Steven Blount of our Information Systems Division will receive a copy of this letter, so he will be aware that you have been approved to receive a copy of the list. It should be understood that the small family child care home list is to remain only in your possession, and not shared.

Thank you for your communication. If you have any questions or additional concerns, you may contact Jenni Fong, System Review Analyst.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shefia Fleming", is written over a blue horizontal line.

Shefia Fleming, Manager  
Child Care Program System Administration and Support Unit

Attachment

cc: Steven Blount, ISD